

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201704022	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/20/2017 12:04 PM	Location of Incident: Halsey Street and Marcus Garvey Boulevard	Precinct: 79	18 Mo. SOL 11/20/2018	EO SOL 11/20/2018	
Date/Time CV Reported Sat, 05/20/2017 12:30 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 05/20/2017 12:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Bomparola	15054	955761	079 PCT
2. POF Marie Pilieci	14566	956170	SRG 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Bomparola	Abuse: PO Anthony Bomparola stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POF Marie Pilieci	Abuse: PO Marie Pilieci stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Anthony Bomparola	Abuse: PO Anthony Bomparola frisked § 87(2)(b)	
D.POM Anthony Bomparola	Abuse: PO Anthony Bomparola searched the vehicle in which § 87(2)(b) was an occupant.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

### Case Summary

On May 20, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On May 20, 2017, at approximately 12:04 p.m., § 87(2)(b) was pulled over near the intersection of Halsey Street and Marcus Garvey Boulevard in Brooklyn by PO Anthony Bomparola and PO Marie Pileci, both of the 79<sup>th</sup> Precinct (**Allegation A and B**). The officers asked for § 87(2)(b)'s license and registration, which he provided, and then returned to their vehicle. Both officers returned to § 87(2)(b)'s vehicle shortly afterwards, and PO Bomparola opened § 87(2)(b)'s door and had him step out of the vehicle. PO Bomparola then patted § 87(2)(b) down on his waistband and pants pockets (**Allegation C**). PO Bomparola then searched around the driver seat of § 87(2)(b)'s vehicle, and attempted to open the center console, but it was locked (**Allegation D**). PO Bomparola then searched the front passenger seat area and glove compartment, and the backseats as well (**subsumed within Allegation D**). The officers returned § 87(2)(b)'s license and registration, and then he was released without being issued any summonses. § 87(4-b) § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- § 87(2)(b) rejected mediation.
- A notice of claim request was submitted to the NYC Comptroller's Office on July 6, 2017. It will be added to the case file upon its receipt (01 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint.
- PO Bomparola has been a member of service for three years. This is the first CCRB complaint on his record.
- PO Pileci has been a member of service for three years. This is the first CCRB complaint on her record.

### Findings and Recommendations

#### Explanation of Subject Officer Identification

Neither PO Bomparola nor PO Pileci recalled this incident. § 87(2)(b) provided the subject officers' vehicle number as "5511," and he sent a photograph to the CCRB that he took of the

officers' vehicle during this incident which displayed this RMP number (03 Board Review). The 79<sup>th</sup> Precinct roll call indicates that PO Bomparola and PO Pilienci were assigned to this RMP on the date of this incident (04 Board Review), and both officers corroborated this as well. Event D17052011122 indicates that Sector B responded to a report of a suspicious vehicle at 12:04 p.m. at Halsey Street and Throop Avenue. The final disposition of the event was "91," or "non-crime corrected" (05 Board Review). PO Bomparola and PO Pilienci were assigned to Sector B during this incident, and Halsey Street and Throop Avenue is one block from the incident location provided by § 87(2)(b) § 87(2)(g)

§ 87(2)(b) described the first subject officer as a 5'6" tall, 230-pound, white or Hispanic male with black hair in his 40s, and the second officer as a 5'5" tall, 150-pound, 42-year-old white female with brown hair. PO Bomparola is a 6'0" tall, 170-pound, § 87(2)(b) -old white male with black hair (06 Board Review), and PO Pilienci is a 5'9" tall, 145-pound, § 87(2)(b) -old white female with brown hair (07 Board Review). § 87(2)(g)

**Allegation A: Abuse of Authority – PO Anthony Bomparola stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B: Abuse of Authority – PO Marie Pilienci stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation C: Abuse of Authority – PO Anthony Bomparola frisked § 87(2)(b)**

**Allegation D: Abuse of Authority – PO Anthony Bomparola searched the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) stated that prior to being pulled over, he was driving his father's vehicle from a restaurant on Halsey Street and Ralph Avenue in Brooklyn, to his home located at § 87(2)(b) in Brooklyn. § 87(2)(b) was driving normally, and did not commit any vehicle traffic law violations. His vehicle was also in normal, working condition; there were no mechanical issues with any lights or other issues (08 Board Review). § 87(2)(b) denied that there were any odors coming from his vehicle, other than that coming from the food he had picked up at the restaurant, nor were there any objects visible inside his vehicle besides the food containers. Once pulled over, PO Pilienci asked § 87(2)(b) for his license and registration, which he provided, and then the officers returned to their vehicle. Approximately ten minutes later, the officers returned to § 87(2)(b)'s vehicle, and PO Bomparola opened § 87(2)(b)'s door and asked when the last time was that

he was arrested. The officer had § 87(2)(b) step out of the vehicle, and then patted § 87(2)(b) on his waistband, and his front and rear pants pockets. PO Bomparola then searched the driver seat area of § 87(2)(b)'s vehicle, and attempted to open the center console, although it was locked at that time. PO Bomparola then searched the front passenger seat area and glove compartment, and the entire backseat area. § 87(2)(b) remained calm throughout the incident. While PO Bomparola searched the vehicle, PO Pileci asked § 87(2)(b) about the tint levels on his vehicle's windows, and § 87(2)(b) explained that they were the windows that came with the vehicle from its manufacturer, and that they were within the acceptable levels as required by New York State vehicle and traffic law. Once PO Bomparola finished searching § 87(2)(b)'s vehicle, the officers released § 87(2)(b) and did not issue him any summonses (09 Board Review).

As discussed in the officer identification section, neither PO Bomparola nor PO Pileci recalled this incident. PO Bomparola did not recall any of the allegations, and PO Pileci denied all of the allegations. Neither officer could account for what they were doing around the time of the incident. Both officers were shown the photograph sent to the CCRB by § 87(2)(b) and acknowledged that it was their vehicle. Both officers also reviewed event report D17052011122, and acknowledged that it showed their sector responding to a report of a suspicious vehicle at the time and location provided by § 87(2)(b) but both officers stated they did not recall responding to that job, and still did not recall stopping § 87(2)(b)'s vehicle. Both officers were shown a photograph of § 87(2)(b) and both stated they did not recognize him (10 Board Review and 11 Board Review).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g) The officers could not recall the incident, but could provide no account of what they were doing at the time of the incident other than patrolling their sector.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)

██████████ The event report which categorizes the job as a “suspicious vehicle” lists the source of the event as a “pickup,” indicating that it was based on the officers’ own observations. ██████████ 87(2)(g) ██████████

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

In order to stop a vehicle, an officer must have probable cause that the vehicle has committed a vehicle traffic law violation, or reasonable suspicion that an occupant of the vehicle has committed or is about to commit a crime. People v. Robinson, 97 N.Y.2d 341 (2001) (12 Board Review). In order to frisk an individual, a police officer must reasonably suspect that the person is armed. People v. De Bour, 40 N.Y.2d 210 (1976) (13 Board Review). In order to search a person's vehicle, an officer must have probable cause to believe that there is evidence of a crime in the vehicle. People v. Ellis, 62 N.Y.2d 393 (1984) (14 Board Review).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

---

Squad: 13

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date